

CITY OF SAN DIEGO

MEMORANDUM

FILE NO. : 1050

DATE : July 9, 1996

TO : Dawn M. Summers, Sergeant, Canine Division

FROM : Rulette Armstead, Assistant Chief, Office of Professional Responsibility

SUBJECT : Change in Finding - Ref: PSU Investigation #95-353P

I have received your rebuttal to PSU investigation #95-353P. After reviewing the entire investigation, conducting interviews with Lieutenant Bill Skinner and Sergeant Greg Hoolihan, I concur that the "sustained" finding of criminal conduct whereby it was alleged that you [REDACTED]

[REDACTED] be changed to "not sustained." The Internal Affairs file will be modified accordingly.

[REDACTED]

Rulette Armstead
Assistant Chief of Police
Office of Professional Responsibility

RA:cm

CITY OF SAN DIEGO
MEMORANDUM

FILE NO: 455

DATE: JUNE 7, 1996

TO: Dawn Summers, Sergeant, Central Division

FROM: Barbara Harrison, Captain, Central Division

SUBJECT: Notice of Reprimand

This memorandum is being hand delivered to you to advise you of a disciplinary reprimand. The recommendation for your reprimand is based on the following facts:

- A. Between April 1, 1994 and January 31, 1995, you submitted mileage reimbursement claims for doctor appointments claiming that the 46 trips you took were round trips to and from your home and the doctor's office. Each trip was listed as a 40 mile trip. In fact, 31 of the trips were not round trips to and from your home. The trips were either round trips from your worksite (approx. 4 miles) or trips from home, to the doctor, to the worksite or from worksite, to the doctor and then home (approx. 22 miles).

You were paid for the 31 trips for 40 miles each at \$.24 a mile (1240 miles/\$297.60). You should have been paid for 464 miles (\$111.36). You were overpaid for 776 miles. You were overpaid \$186.24.

The dates of the 31 trips are listed below:

1. On April 12, 1994, you worked between the hours of 0800 and 1630. Your appointment was at 1315 hours. You were entitled to a 4 mile claim.
2. On April 14, 1994, you worked between the hours of 0800 and 1630. Your appointment was at 1100 hours. You were entitled to a 4 mile claim.
3. On April 15, 1994, you worked between the hours of 0800 and 1630. Your appointment was at 1530 hours. You were entitled to a 22 mile claim.
4. On April 22, 1994, you worked between the hours of 0800 and 1700. Your appointment was at 1630 hours. You were entitled to a 22 mile claim.
5. On May 11, 1994, you worked between the hours of 0800 and 1700. Your appointment was at 1630 hours. You were entitled to a 22 mile claim.

6. On May 20, 1994, you worked between the hours of 0800 and 1700. Your appointment was 1630 hours. You were entitled to a 22 mile claim.
7. On May 23, 1994, you worked between the hours of 0800 and 1700. Your appointment was at 1715 hours. You were entitled to a 22 mile claim.
8. On May 25, 1994, you worked between the hours of 0800 and 1700. Your appointment was at 1630 hours. You were entitled to a 22 mile claim.
9. On June 1, 1994, you worked between the hours of 0800 and 1800. Your appointment was at 1515 hours. You were entitled to a 4 mile claim.
10. On June 15, 1994, you worked between the hours of 0800 and 1630. Your appointment was at 1700 hours. You were entitled to a 22 mile claim.
11. On June 22, 1994, you worked between the hours of 0800 and 1630. Your appointment was at 1530 hours. You were entitled to a 22 mile claim.
12. On July 1, 1994, you worked between the hours of 0730 and 1600. Your appointment was at 1530 hours. You were entitled to a 22 mile claim.
13. On July 5, 1994, you worked between the hours of 0730 and 1600. Your appointment was at 1500 hours. You were entitled to a 22 mile claim.
14. On July 14, 1994, you worked between the hours of 0730 and 1600. Your appointment was at 1100 hours. You were entitled to a 4 mile claim.
15. On July 20, 1994, you worked between the hours of 0730 and 1600. Your appointment was at 1600 hours. You were entitled to a 22 mile claim.
16. On August 4, 1994, you worked between the hours of 0730 and 1600. Your appointment was at 1600 hours. You were entitled to a 22 mile claim.
17. On October 6, 1994, you worked between the hours of 1500 and 0100. Your appointment was at 1630 hours. You were entitled to a 4 mile claim.
18. On October 12, 1994, you worked between the hours of 0800 and 1800. Your appointment was at 1715 hours. You were entitled to a 22 mile claim.
19. On October 14, 1994, you worked between the hours of 0600 and 1600. Your appointment was at 1015 hours. You were entitled to a 4 mile claim.
20. On October 21, 1994, you worked between the hours of 1500 and 0100. Your appointment was at 1500 hours. You were entitled to a 20 mile claim.

21. On October 28, 1994, you worked between the hours of 0600 and 1600. Your appointment was at 1530 hours. You were entitled to a 22 mile claim.
 22. On November 4, 1994, you worked between the hours of 1500 and 0100. Your appointment was at 1600 hours. You were entitled to a 4 mile claim.
 23. On November 12, 1994, you worked between the hours of 1300 and 2300. Your appointment was at 1530 hours. You were entitled to a 4 mile claim.
 24. On November 17, 1994, you worked between the hours of 1300 and 2300. Your appointment was at 1245 hours. You were entitled to a 22 mile claim.
 25. On November 28, 1994, you worked between the hours of 0730 and 1600. Your appointment was at 1630 hours. You were entitled to a 22 mile claim.
 26. On December 1, 1994, you worked between the hours of 0800 and 1700. Your appointment was at 1415 hours. You were entitled to a 4 mile claim.
 27. On December 8, 1994, you worked between the hours of 0800 and 1700. Your appointment was at 1600 hours. You were entitled to a 22 mile claim.
 28. On December 29, 1994, you worked between the hours of 0800 and 1700. Your appointment was at 1630 hours. You were entitled to a 22 mile claim.
 29. On January 5, 1995, you worked between the hours of 1100 and 1900. Your appointment was at 1600 hours. You were entitled to a 4 mile claim.
 30. On January 20, 1995, you worked between the hours of 0800 and 1800. Your appointment was at 1530 hours. You were entitled to a 4 mile claim.
 31. On January 26, 1995, you worked between the hours of 0800 and 1800. Your appointment was at 0945 hours. You were entitled to a 4 mile claim.
- B. During an investigation by Sergeant Greg Hoolihan into allegations of misconduct at a training class in Sacramento, you were interviewed by Sergeant Hoolihan about a hotel receipt submitted by another officer who shared a hotel room with you during training. You told Sergeant Hoolihan that you had no idea how the officer obtained a copy of the receipt. In fact, you furnished the receipt to the other officer. You were untruthful as to the circumstances surrounding the officer's possession of the receipt.
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- a. Penal Code Sections 484/488 (Petty Theft) by submitting 31 fraudulent mileage claims between April 1, 1994 and January 31, 1995, resulting in overpayment from the City to you in the amount of \$ 186.24.
 - b. California Penal Code Section 72 (Presenting False Claims), in that you submitted fraudulent mileage claims to the City to reimburse you for miles you were not entitled to during the time period between 4-1-94 and 1-31-95.

2. San Diego Police Department Policy 9.29 (Truthfulness Policy), in that you were untruthful regarding the furnishing of a hotel receipt to another officer.

In conjunction with this reprimand, you are ordered to reimburse the City of San Diego \$186.24, the amount which was overpaid to you as a result of your claims for mileage to doctor appointments.

You are hereby notified that any further instances of misconduct may result in more serious disciplinary action being taken against you.

You have the right to appeal this reprimand to the Chief of Police. Appeals must be submitted in writing to the Chief of Police within ten (10) working days of receipt of this notice.

Attached are copies of all reports upon which this reprimand is based. These reports are listed below:

ANSWER

3. Internal Affairs Investigation #95-353P, prepared by Sergeant G. Hoolihan, ID #1446, dated 07-18-95.
 4. Addendum to Internal Affairs Investigation #95-353P, prepared by Sergeant G. Hoolihan, ID #1446, dated 09-26-95.
 5. Second Addendum to Internal Affairs Investigation #95-353P, prepared by Sergeant G. Hoolihan, ID #1446, dated 02-23-96.
 6. Third Addendum to Internal Affairs Investigation #95-353P, prepared by Sergeant G. Hoolihan, ID #1446, dated 05-07-96.
 7. Binder Containing medical, mileage, and miscellaneous schedules, #1-185.
 8. Payroll Time Sheets #186-203.
 9. Sacramento Travel Documents #204-227.

12. San Diego Regional Crime Report #95-028642 #348, 349.

13. San Diego Regional Crime Report #95-028643 #350, 351.

14. District Attorney Complaint Request Evaluation #352-354.

16. Memorandum - I.A. completed Internal Investigation #357.

18. Payroll Time Sheets dated 7-1-94 to 12-16-94, pages 378-396.

**Barbara Harrison, Captain
Central Division**

This reprimand has been discussed with me and I have received a copy of it and the above listed documents.

526 Set.

Dawn Summers

526 SET.

6/7/96

Date

Barbara Harrison, Captain

6/7/96

CITY OF SAN DIEGO
MEMORANDUM

FILE NO: 455

DATE: May 21, 1996

TO: Barbara Harrison, Captain, Central Division

FROM: Vince Villalvazo, Lieutenant, Central Division

SUBJECT: Supervisor's Investigative Report Concerning Misconduct of Sergeant Dawn SUMMERS, ID# 3526

SUMMARY

Sergeant Dawn SUMMERS submitted 46 round trip mileage claims during a ten month period, beginning April 1, 1994 through January 31, 1995, for doctor appointments. Each round trip totaled 40 miles for a total of 1840 miles. Sergeant SUMMERS was not entitled to reimbursement for 776 of the miles claimed. As a result of the fraudulent claims, SUMMERS was overpaid \$186.24.

Sergeant SUMMERS attended a mounted training class in Sacramento between September 12 and 16, 1994. Sergeant SUMMERS shared a hotel room with an officer and split the room expense. Sergeant SUMMERS submitted an expense report that reflected that she paid the full price of the room. SUMMERS was untruthful regarding furnishing the other officer with a copy of the hotel receipt which was altered so the other officer could also submit an expense report for the full amount of the hotel room.

INVESTIGATION

On March 4, 1994, SUMMERS suffered an on-duty [REDACTED] injury for which she sought medical treatment. During medical treatments, SUMMERS submitted monthly mileage logs to Risk Management for mileage reimbursement. A supervisor from the Professional Standards Unit conducted an investigation to verify the claims.

During the investigation, the Mounted Enforcement Unit schedules were examined and compared with a list of SUMMERS' appointment times submitted by the Chiropractic Clinic of Hillcrest. Between April 1, 1994 and January 31, 1995, Sergeant SUMMERS submitted mileage reimbursement claims for doctor appointments claiming that the 46 trips she took were round trips to and from her home to the doctor's office. Each trip was listed as a 40 mile trip. In fact 31 of the trips were not round trips to and from her home. The trips were either round trips from her worksite (approximately 4 miles) or trips from work, to the doctor, and then home (approximately 22 miles).

Sergeant SUMMERS was paid for the 31 trips for 40 miles each at \$.24 a mile (1240 miles/\$297.60). Sergeant SUMMERS should have been paid for 464 miles (\$111.36). Sergeant SUMMERS was overpaid for 776 miles, \$186.24.

Date: May 21, 1996
To: Barbara Harrison, Captain
From: Vince Villalvazo, Lieutenant
Subject: Supervisor's Investigative Report
RE: Sergeant Summer's, ID #3526

Page 2

The dates of the 31 trips are listed below:

1. On April 12, 1994, Sergeant SUMMERS worked between the hours of 0800 and 1630. Her appointment was at 1315 hours. She was entitled to a 4 mile claim.
2. On April 14, 1994, Sergeant SUMMERS worked between the hours of 0800 and 1630. Her appointment was at 1100 hours. She was entitled to a 4 mile claim.
3. On April 15, 1994, Sergeant SUMMERS worked between the hours of 0800 and 1630. Her appointment was at 1530 hours. She was entitled to a 22 mile claim.
4. On April 22, 1994, Sergeant SUMMERS worked between the hours of 0800 and 1700. Her appointment was at 1630 hours. She was entitled to a 22 mile claim.
5. On May 11, 1994, Sergeant SUMMERS worked between the hours of 0800 and 1700. Her appointment was at 1630 hours. She was entitled to a 22 mile claim.
6. On May 20, 1994, Sergeant SUMMERS worked between the hours of 0800 and 1700. Her appointment was 1630 hours. She was entitled to a 22 mile claim.
7. On May 23, 1994, Sergeant SUMMERS worked between the hours of 0800 and 1700. Her appointment was at 1715 hours. She was entitled to a 22 mile claim.
8. On May 25, 1994, Sergeant SUMMERS worked between the hours of 0800 and 1700. Her appointment was at 1630 hours. She was entitled to a 22 mile claim.
9. On June 1, 1994, Sergeant SUMMERS worked between the hours of 0800 and 1800. Her appointment was at 1515 hours. She was entitled to a 4 mile claim.
10. On June 15, 1994, Sergeant SUMMERS worked between the hours of 0800 and 1630. Her appointment was at 1700 hours. She was entitled to a 22 mile claim.
11. On June 22, 1994, Sergeant SUMMERS worked between the hours of 0800 and 1630. Her appointment was at 1530 hours. She was entitled to a 22 mile claim.
12. On July 1, 1994, Sergeant SUMMERS worked between the hours of 0730 and 1600. Her appointment was at 1530 hours. She was entitled to a 22 mile claim.
13. On July 5, 1994, Sergeant SUMMERS worked between the hours of 0730 and 1600. Her appointment was at 1500 hours. She was entitled to a 22 mile claim.
14. On July 14, 1994, Sergeant SUMMERS worked between the hours of 0730 and 1600. Her appointment was at 1100 hours. She was entitled to a 4 mile claim.

Date: May 21, 1996
To: Barbara Harrison, Captain
From: Vince Villalvazo, Lieutenant
Subject: Supervisor's Investigative Report
RE: Sergeant Summer's, ID #3526

Page 3

15. On July 20, 1994, Sergeant SUMMERS worked between the hours of 0730 and 1600. Her appointment was at 1600 hours. She was entitled to a 22 mile claim.
16. On August 4, 1994, Sergeant SUMMERS worked between the hours of 0730 and 1600. Her appointment was at 1600 hours. She was entitled to a 22 mile claim.
17. On October 6, 1994, Sergeant SUMMERS worked between the hours of 1500 and 0100. Her appointment was at 1630 hours. She was entitled to a 4 mile claim.
18. On October 12, 1994, Sergeant SUMMERS worked between the hours of 0800 and 1800. Her appointment was at 1715 hours. She was entitled to a 22 mile claim.
19. On October 14, 1994, Sergeant SUMMERS worked between the hours of 0600 and 1600. Her appointment was at 1015 hours. She was entitled to a 4 mile claim.
20. On October 21, 1994, Sergeant SUMMERS worked between the hours of 1500 and 0100. Her appointment was at 1500 hours. She was entitled to a 20 mile claim.
21. On October 28, 1994, Sergeant SUMMERS worked between the hours of 0600 and 1600. Her appointment was at 1530 hours. She was entitled to a 22 mile claim.
22. On November 4, 1994, Sergeant SUMMERS worked between the hours of 1500 and 0100. Her appointment was at 1600 hours. She was entitled to a 4 mile claim.
23. On November 12, 1994, Sergeant SUMMERS worked between the hours of 1300 and 2300. Her appointment was at 1530 hours. She was entitled to a 4 mile claim.
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28. On December 29, 1994, Sergeant SUMMERS worked between the hours of 0800 and 1700. Her appointment was at 1630 hours. She was entitled to a 22 mile claim.
29. On January 5, 1995, Sergeant SUMMERS worked between the hours of 1100 and 1900. Her appointment was at 1600 hours. She was entitled to a 4 mile claim.

Date: May 21, 1996
To: Barbara Harrison, Captain
From: Vince Villalvazo, Lieutenant
Subject: Supervisor's Investigative Report
RE: Sergeant Summer's, ID #3526

Page 4

30. On January 20, 1995, Sergeant SUMMERS worked between the hours of 0800 and 1800. Her appointment was at 1530 hours. She was entitled to a 4 mile claim.
31. On January 26, 1995, Sergeant SUMMERS worked between the hours of 0800 and 1800. Her appointment was at 0945 hours. She was entitled to a 4 mile claim.

SUMMERS said that she used a City vehicle "once or twice" for transportation to a doctor appointment, but was unable to give a specific date. Statements made by witness officers indicate that SUMMERS used a City vehicle more frequently than once or twice. On October 21, 1994, SUMMERS was given a ride to her doctor appointment by Sergeant Bridget Barnett. SUMMERS submitted a reimbursement claim for a 40 mile round trip from her home to her doctor and back on that date. SUMMERS admitted committing an oversight when she submitted claims for April 12 and 14, 1994.

SUMMERS said that when she attended an appointment at the conclusion of her shift, she would drive directly from work. SUMMERS acknowledged that she would not be entitled to reimbursement for round trip mileage, but only the actual mileage accrued. It is important to note that none of the claims submitted involved the mileage from SUMMERS' job site at the stables to her doctor's office, a distance of approximately two miles, but rather that all the claims regardless of the circumstances, were for round trips of 40 miles from her home to her doctor.



My recommendation is based on the following:

Date: May 21, 1996
To: Barbara Harrison, Captain
From: Vince Villalvazo, Lieutenant
Subject: Supervisor's Investigative Report
RE: Sergeant Summer's, ID #3526

Page 5

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

During the initial investigation, information was developed that resulted in another investigation concerning the circumstances of Sergeant SUMMERS' attending a training session in Sacramento and the filing of an expense report listing full payment of a hotel room that was shared with another officer.

On September 12-16, 1994, Sergeant Dawn SUMMERS and an officer attended a mounted training class in Sacramento, California. SUMMERS and the officer shared a hotel room and split the cost of the room. The room was paid for by SUMMERS, who was issued a receipt for the cost of the room. The officer said that SUMMERS furnished her with a copy of the hotel receipt, which the officer later signed and submitted with her travel expense report, also claiming to have paid full price on the room. When SUMMERS was asked about the hotel receipt submitted by the officer, SUMMERS said she could not recall giving the officer a copy of her receipt and had no idea how the officer got a copy of the receipt.

Date: May 21, 1996
To: Barbara Harrison, Captain
From: Vince Villalvazo, Lieutenant
Subject: Supervisor's Investigative Report
RE: Sergeant Summer's, ID #3526

Page 6

This statement is deemed to be untruthful. The room was registered in SUMMERS' name and was paid for by SUMMERS using her Mastercard. There is no evidence that the officer would have been able to obtain an exact copy of SUMMERS' receipt without SUMMERS assistance.

There are no policies or guidelines prohibiting the sharing of rooms and room expenses. SUMMERS' conduct in submitting an expense report claiming to have paid full price for the room shows that she may have had a doubt as to the legality or appropriateness in an apparent attempt to deceive Fiscal Management. Her actions in this matter tend to show a pattern of conduct when coupled with her actions in the other incidents.

CONCLUSION

Sergeant SUMMERS' actions constitute criminal conduct per California Penal Code Sections 72 (Presenting False Claims), and 488 (Petty Theft). On April 18, 1995, a complaint request was submitted to the District Attorney. On May 24, 1995, the District Attorney issued a Complaint Request Evaluation which stated, "while Sergeant SUMMERS' actions cannot be excused, it is felt that Civil or Administrative action is more appropriate than criminal prosecution in this instance."

Sergeant SUMMERS violated Civil Service Rule XI, Section 3(d), in that she violated the following lawful or official regulations:

1. California Penal Code Section 488 (Petty Theft), in that she submitted fraudulent mileage claims between 03-04-94 and 01-31-95, resulting in an over payment of \$271.20.
2. California Penal Code Section 72 (Presenting False Claims), in that she submitted fraudulent claims for reimbursement of mileage for which she was not entitled to.
3. San Diego Police Department Policy Manual Section 9.3 (Obedience to Laws Policy), which states, "Members shall obey all federal, state, county and municipal laws."
4. San Diego Police Department Policy 9.29 (Truthfulness Policy), in that she was untruthful regarding her statements about furnishing an officer a copy of a hotel receipt.

Attached are the following documents and materials:

1. Internal Affairs Investigation #95-353, prepared by Sergeant G. Hoolihan, ID #1446, dated 07-18-95.
2. Addendum to Internal Affairs Investigation #95-353, prepared by Sergeant G. Hoolihan, Id #1446, dated 09-26-95.

Date: May 21, 1996
To: Barbara Harrison, Captain
From: Vince Villalvazo, Lieutenant
Subject: Supervisor's Investigative Report
RE: Sergeant Summer's, ID #3526

Page 7

3. Second addendum to I.A. File #95-353, prepared by Sergeant G. Hoolihan, ID #1446, dated 02-23-96.
4. Third addendum to I.A. File #95-353, prepared by Sergeant G. Hoolihan, ID #1446, dated 05-07-96.
5. Binder Containing medical, mileage, and miscellaneous schedules, numbered 1-185.
6. Payroll Time Sheets #186-203.
7. Sacramento Travel Documents #204-227.
[REDACTED]
[REDACTED]
10. San Diego Regional Crime Report #95-028642 #348, 349.
11. San Diego Regional Crime Report #95-028643 #350, 351.
12. District Attorney Complaint Request Evaluation #352-354.
13. Memorandum by Sgt. Rey Armstrong, dated 2-7-95, #355, 356.
14. Memorandum - I.A. completed Internal Investigation #357.
15. Nine cassette tapes of interviews.
[REDACTED]
17. Payroll Time Sheets dated 7-1-94 through 12-31-94, pages 378-396.
[REDACTED]

Appropriate disciplinary action is recommended.

[REDACTED]
Vince Villalvazo, Lieutenant
Central Division

CITY OF SAN DIEGO
MEMORANDUM

FILE NO: 455

DATE: JUNE 7, 1996

TO: Dawn Summers, Sergeant, ID #3526

FROM: Barbara Harrison, Captain, Central Division

SUBJECT: Disciplinary Transfer

Effective 6/29/96, you will receive a disciplinary transfer to Western Division Patrol for the reasons outlined in the attached Reprimand. Your new supervisor will be announced at a later date.

You have the right to appeal this transfer to the Chief of Police or his designee. Appeals must be submitted in writing, state in detail the basis for the appeal and be directed to the Chief of Police.

You have ten (10) working days from receipt of this memo in which to submit your appeal letter.

If you fail to submit an appeal letter to the Chief of Police within ten (10) days, you will forfeit your right to appeal this action.

BH:ad

I acknowledge receipt of this memo and full explanation of my appeal rights.

[REDACTED]
Employee signature

3526 SGT.

[REDACTED]
Captain

**SAN DIEGO POLICE DEPARTMENT
DISCIPLINARY PACKAGE CHECKLIST**

1. Prepared by _____

Skelly Officer Signature: _____

5-30-96

Signature and Date Prepared

2. Concurrence of 2nd Level _____

5/31/96

Signature and Date Forwarded to C.O.

3. Approved by Commanding Officer _____

Signature and Date Approved

Date Forwarded *5-30-96*

4. Procedures and Legality Verification:

Personnel: _____

5/31/96

Signature & date Reviewed

Mary Musca
Signature & date Reviewed

6/2/96

5. Approved by Assistant Chief

Signature & Date Approved

Approved by Chief

6/3/96

Signature & Date Approved

6. Approved by City Manager

Signature & Date Approved

7. Notice of Results of Skelly Meeting (and
Notice of Departmental Appeal Rights
for SWORN)

Date Served: _____

Modification, if any, from Advance
Notice: _____

9. Appeal Filed: Y N

Date Filed: _____

10. Department Appeal Results:

Date of Hearing: _____

Findings: _____

11. Review of Final Notice

Personnel _____

Signature & Date Reviewed

Legal Advisor: _____

Signature & Date Reviewed

12. Final Notice Signed by Chief:

Signature & Date Signed

DISCIPLINE PACKAGE ROUTING:

CIVILIAN EMPLOYEES ONLY:

Suspension - 5 or less working days; Steps 1-6
and 8, 11, 12

Suspension - 6 or more working days; Steps 1-8,
11, 12

Reduction in Compensation: Steps 1-8, 11, 12

Termination of Permanent Status Employee:
Steps 1-8, 11, 12

Termination of Probationary or Limited
Employee: Steps 1-6, 8, 11, 12

SWORN EMPLOYEES ONLY:

Suspension - 5 or less working days; Steps 1-6,
and Steps 8-12

Suspension - 6 or more working days: Steps 1 -
12

Reduction in Compensation: Steps 1-6 and 8-12
Termination: Steps 1-12

ALL EMPLOYEES:

Reprimand: Steps 1-5; Step 6 if violation
requires Chief's review